

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:

BRANDON MICHAEL DEAVERS,

CHAPTER 13

DEBTOR.

CASE NO. 20-30090-KRH

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER, OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

THE HEARING IS SCHEDULED TO BE HELD ON FEBRUARY 26, 2020 AT 11:10 A.M. AT THE U.S. BANKRUPTCY COURT, 701 EAST BROAD STREET, IN COURTROOM NUMBER 5000, RICHMOND, VA 23219.

COMES NOW, Nissan Motor Acceptance Corp. ("Secured Creditor"), by Counsel, and objects to the confirmation of the Chapter 13 Plan and the Motion to Value Collateral contained therein (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a validly perfected security interest in a 2018 Nissan Sentra, pursuant to a valid Retail Installment Sale Contract dated September 5, 2018.
2. The Proof of Claim (2-1) filed on January 27, 2020 by this Secured Creditor establishes a total debt of \$17,396.09 due as of the bankruptcy filing date, including pre-petition arrears of \$3,911.28.
3. The Plan is underfunded and contains no provisions for Secured Creditor's claim, which violates 11 U.S.C. § 1325(a)(5)(B)(ii).
4. In addition, the Plan does not provide adequate protection payments to this Secured Creditor's as required by 11 U.S.C. § 361 and does not meet the "feasibility" requirement of 11 U.S.C. § 1325(a)(6).
5. Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the objections specified above in order to be feasible and to provide adequate

protection to this Secured Creditor. It is respectfully requested that this Court deny confirmation of the Plan.

WHEREFORE, the undersigned requests as follows:

1. That confirmation of the proposed Plan be denied;
2. Debtor be required to modify the Plan to honor the terms and conditions of the Deed of Trust; and
3. For such other relief as this Court deems proper.

Respectfully Submitted,

NISSAN MOTOR ACCEPTANCE CORP.

By: /s/ BRANDON R. JORDAN

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CERTIFICATE OF SERVICE

I certify that on January 31, 2020, the foregoing Objection was served via CM/ECF on Suzanne E. Wade, Trustee, and James E. Kane, Counsel for Debtor, at the email addresses registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Brandon Michael Deavers, Debtor, 10480 Karen Court, King George, VA 22485.

/s/ BRANDON R. JORDAN

Brandon R. Jordan, Esquire
Samuel I. White, P. C.